

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE STATE UNIVERSITY)	
STUDENT HOUSING FOUNDATION, a)	
Delaware Corporation,)	
)	C.A. NO. 07-610
Plaintiff,)	
)	(Removed from the Superior Court of the
v.)	State of Delaware in and for Kent
)	County, C.A. No. 07C-09-013-WCW)
AMBLING MANAGEMENT COMPANY,)	
)	
Defendant.)	
)	

**DEFENDANT AMBLING MANAGEMENT COMPANY’S MOTION TO DISMISS
COUNT I AND COUNT III OF PLAINTIFF’S COMPLAINT**

COMES NOW, Ambling Management Company (“AMC” or “Defendant”), Defendant in the above captioned action, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby moves this Court to Dismiss Count I of Plaintiff’s complaint, Plaintiff’s claim for declaratory judgment, and Count III, Plaintiff’s claim for tortious interference with business relations, because Plaintiffs have failed to state a claim against AMC on these counts. This Motion is supported by AMC’s Memorandum of Law in Support of his Motion to Dismiss Counts I and III of Plaintiff’s Complaint (“Memorandum of Law”) filed contemporaneously herewith. For the reasons set forth in the Memorandum of Law, this Court should dismiss Counts I and III against AMC.

Respectfully submitted this 23rd day of October, 2007.

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
A Professional Limited Liability Company

By: /s/ AnnaMartina Tyreus

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Attorneys for Ambling Management Company

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2007, I electronically filed the foregoing Defendant Ambling Management Company's Motion to Dismiss Count I and Count III of Plaintiff's Complaint with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

Kathleen Furey McDonough
Sarah E. DiLuzio
Potter Anderson & Corroon, LLP
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302)984-6000

I hereby certify that on October 23, 2007, I caused the foregoing document to be served upon the following in the manner so indicated:

BY FIRST-CLASS MAIL

Kathleen Furey McDonough
Sarah E. DiLuzio
Potter Anderson & Corroon, LLP
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P.O. Box 951
Wilmington, DE 19899-0951
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This 23rd day of October, 2007.

/s/ AnnaMartina Tyreus
Anna Martina Tyreus (DE # 4771)